

PATENT

ATTORNEY DOCKET NO.: W1200-00038

III. Remarks**A. Claim Rejection Under §102(e)**

The Action rejects Claims 10-17, 27-34 and 38-55 as being anticipated by U.S. Published Application No. 2005/0208995 to Marshall et al. (Marshall) stating only that “[a] detailed reading of Marshall discloses every feature of the instant application” and citing to Paragraphs 111-119 and Figures 56-69 of the reference. Reconsideration of this rejection is respectfully requested in view of the foregoing amendments and following arguments.

1. Independent Claims 10 and 27

Independent Claim 10 is directed to a method of providing probable payout information to a user for an exotic wager type that requires either a selection of two entrants from a single race or an entrant from each of two races, e.g., an exacta wager, a daily double wager, quinella wager, etc. As described in previous responses, independent Claim 10 is directed to the embodiment of a reconfigurable graphical user interface as shown in, for example, FIGS. 4 and 4A, where a table showing the exotic wager information can be reconfigured to show payout information for a different race entrant by selecting a selectable graphical identifier associated with the respective race entrant (rather than by scrolling through multiple discrete screens). This display and redisplay method greatly simplifies the presentation of exotic wager probable payout information to the user. The improved efficiency of the method is of particular benefit to skilled wagerers who need to quickly find and analyze probable payout information, as these skilled wagerers often wait until very close to race time when wagering draws to a close (i.e., when the probable payouts are most accurate) to place their wagers.

Independent Claim 10 was also amended previously to recite that the graphical user interface screen includes a second set of a plurality of selectable graphical identifiers each associated with a respective combination of entrants for said exotic wager type, selection of a selectable graphical identifier from said second set of selectable graphical identifiers initiating placement of a wager on a combination of entrants associated with said selected selectable graphical identifier. This clause has been amended as set forth above to clarify that selection of

PATENT

ATTORNEY DOCKET NO.: W1200-00038

an “individual selectable graphical identifier” from the second set of the plurality of selectable graphical identifiers initiates placement of a wager on the “respective combination of entrants associated with the selected individual selectable graphical identifier.” In other words, a user can select a single (i.e., individual) identifier to initiate the wager on a combination of entrants. It is submitted that this correlation between an individual identifier and a combination of entrants in a reconfigurable table of payouts as claimed is not taught by Marshall.

Marshall shows two distinct ways of displaying exotic wager payout information, specifically “exacta” wager payout information. FIGS. 58-60 illustrate a first method of displaying payout information for the exacta wager and of placing a wager. The probable payout information is displayed in a payout window 5810. This window is not used to initiate wagers. Initiation of the wager is made through the “Exacta Will Pay” tab of the interface. In order to initiate placement of an exacta wager on, for example, a 3/13 combination, the user first selects an indicator associated with the first entrant (as shown by the highlight of “3 Ashore” in FIG. 59) and then selects an indicator associated with the second horse (as shown by the bolded outline of “13 My Guy Jase” in FIG. 59). (Par. 114). Selection of multiple indicators in the desired combination causes display of the interface of FIG. 60, from which the user can further clarify desired wager including the selected entrants (e.g., boxed, 3-13, 13-3).

In a second method described by Marshall, probable payout data is displayed in an “Exacta Matrix” 6102 as shown in FIG. 61. Initiating the wager is accomplished in the same manner described above in connection with FIGS. 59-60, as shown in FIGS. 62 and 63, i.e., by selecting multiple indicators representative of the desired combination.

From the foregoing, the user of the interface of Marshall must select multiple graphical indicators that add up to a desired combination in order to initiate a wager on the particular combination of entrants. In contrast, in Applicant’s claimed method, selection of an individual identifier that is associated with a particular combination initiates the wager on the desired combination. Therefore, it is submitted that independent Claim 10 is not anticipated by and is allowable over Marshall.

PATENT

ATTORNEY DOCKET NO.: W1200-00038

Claim 40 depends from Claim 10 and recites further that the "selectable graphical identifiers from said second set of selectable graphical identifiers are selectable probable payout monetary values." In other words, the user can initiate the wager on a desired combination simply by selecting (e.g., "clicking" on) the displayed "payout" for the desired combination. In the interface of Marshall, the payouts are displayed in the payout window 5810 (See FIGS. 58 and 59). However, these displayed payouts of window 5810 are not selectable, and certainly not selectable to initiate the placement of a wager on the combinations represented by the individual payouts. Indeed, as explained above, in this embodiment of Marshall, the user must select multiple indicators from the "Exacta Will Pay" tab to select a combination upon which to wager. Similarly, with respect to the embodiment of FIGS. 61-63, the payouts that are displayed in the exacta matrix are not selectable. Only the horse number is selectable, and multiple numbers needs to be selected in order to initiate a wager, followed by clarification of the wager as shown in FIG. 63. For these additional reasons, it is submitted that Claim 40 is independently allowable over Marshall.

For at least these reasons, it is submitted that Claims 10-17, 38 and 40 are not anticipated by Marshall. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

Amended independent Claim 27 recites features that parallel those of independent Claim 10 and is, therefore, also not anticipated by Marshall. It is submitted that Claim 27 and Claims 28-34 and 41-43, which depend from Claim 27, are allowable. Claim 43 recites features that parallel those recited in Claim 40. It is submitted that Claim 43 is independently allowable for reasons analogous to those argued above in connection with Claim 40. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

2. Independent Claims 44 and 50

Independent Claim 44 is also directed to a method of providing probable payout information to a user for exotic wagers. Unlike Claims 10 and 27, Claim 44 expressly recites that the displayed table and displayed reconfigured table provide probable payout information for

DM2729238.1

PATENT

ATTORNEY DOCKET NO.: W1200-00038

a plurality of different types of exotic wagers (i.e., “at least first and second exotic wager types”). For example, the table can display two or more of the following distinct exotic wager types: daily double, exacta and quinella. Examples of such an interface can be seen in FIGS. 4 and 4A of the present application.

Claim 45 (wherein said exotic wager types are selected from the groups consisting of: a quinella wager, an exacta wager and a daily double wager), Claim 46 (wherein said first and second probable payout information comprise payout information for at least three exotic wager types) and Claim 47 (wherein said at least three exotic wager types comprise a quinella wager, an exacta wager and a daily double wager) claim specific embodiments of the display of the probable payouts for multiple types of exotic wagers.

In the rejection of Claim 44, the Examiner cites to FIGS. 56-69 of Marshall for providing this feature. By way of example, it is clear that the interfaces of FIGS. 59 and 61 only show probable payout information for **one kind of exotic wager**, specifically for an exacta wager. These interfaces do not display tables that display probable payout information for “at least first and second exotic wager types”, i.e., for multiple types of exotic wager. As another example, FIG. 64 displays the percentage of wager dollars that have been placed on individual horses to Win, Place or Show. Win, Place and Show bets are not understood in the art to be “exotic” wagers involving multiple horses from the same or different races.

Further, Marshall’s written description does not contemplate displaying tables and reconfigured tables including probable payouts for a plurality of different types of exotic wagers. For example, Paragraph 119 provides merely that the general process described for the exacta wager could be applied to a trifecta wager, but does not provide that payout information for these wagers could be provided in a common table. Indeed, payout information for these wagers would likely not be provided in a common table because the exacta wager requires two entries and the trifecta wager requires three entries.

PATENT

ATTORNEY DOCKET NO.: W1200-00038

It is submitted, therefore, that Marshall does not teach each feature of independent Claim 44 and that Claim 44 is, therefore, not anticipated by the cited reference. Claims 45-49 depend from Claim 44 and are, therefore, also not anticipated.

Independent Claim 50 recites features that parallel those of independent Claim 44 and is, therefore, also not anticipated by Marshall. It is submitted, therefore, that Claims 50 and Claims 51-55, which depend from Claim 27, are allowable.

PATENT**ATTORNEY DOCKET NO.: W1200-00038****IV. Conclusion**

In view of the foregoing remarks and amendments, Applicant submits that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

Dated: 6/29/06



Joseph A. Powers, Reg. No.: 47,006
Attorney For Applicant

DUANE MORRIS LLP
One Liberty Place
Philadelphia, Pennsylvania 19103-7396
(215) 979-1842 (Telephone)
(215) 979-1020 (Fax)